

Remarks

This application has been carefully reviewed in light of the Office Action mailed March 20, 2008. At the time of the Office Action, claims 1-20 were pending in the application. In the Office Action, the Examiner rejects claims 1-20. By this Amendment, Applicants have amended claims 1, 11, and 15 to clarify the subject matter which Applicants claim as the invention and to advance prosecution of this case. No new matter has been introduced by these amendments. Applicants do not admit that these amendments were necessary as a result of any cited art. Applicants respectfully request reconsideration of the above application in view of the following remarks.

Rejection Of Claims 1-20 Under 35 U.S.C. § 112, Second Paragraph, As Being Indefinite

Claims 1-20 stand rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants traverse this rejection because the pending claims comply with 35 U.S.C. § 112, ¶ 2.

According to the Examiner, claims 1, 11 and 14 recite the limitation "the potential service" in line 3 of claims 1 and line 5 of claims 11 and 14. The Examiner states that there is insufficient antecedent basis for this limitation in the claims. Without waiver or prejudice, claims 1, 11 and 14 have been amended to recite "potential servicing" instead of "the potential service." Therefore, Applicants respectfully request the Examiner to withdraw this rejection with respect to claims 1-20.

Rejection Of Claims 1, 2, 6-8, 10, 14-15 And 18 Under 35 U.S.C. § 102(e) As Being Anticipated By Himes (U.S. Publication No. 2003/0191660)

Claims 1, 2, 6-8, 10, 14-15 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Himes*. Applicants respectfully traverse this rejection because *Himes* fails to teach or suggest all elements of the pending claims.

Himes fails to teach or suggest independent claim 1 for many reasons. For example, pending claim 1 requires "transmitting a plurality of open appointments, wherein each . . . is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider."¹ *Himes* and/or the other art of record do not teach or suggest this limitation. For at least this reason, claim 1 is patentable over *Himes* and the other art of record.

Further, claim 1 requires "if the service inquiry ... is [a] recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model." This limitation is not provided by *Himes*. The Examiner cites to ¶ [0018] in support of *Himes* providing this limitation. (Office Action, March 20, 2008, p. 4.) ¶ [0018] (emphasis added) is reproduced below:

[0018] In a preferred embodiment of the invention depicted in FIG. 1, a card 110 is inserted into card reader 120. The card 110 contains customer and vehicle information, including name, address, phone numbers, vehicle identification number (VIN), warranty information and e-mail address. In addition, the card also contains customer specific maintenance schedules and coupon information, including recommended vehicle maintenance schedules, a record of the customer's last 50 visits, and discounts and free services. The kiosk or data entry terminal 130 is equipped with software that enables it to read and process the information provided by the card 110. For example, the software may offer the customer the option of accessing a service area 140 when the customer's car needs to be repaired, or an option to access the early bird drop off 150 area, when the customer is dropping off the car to be repaired by the dealership. Alternatively, the software may offer the customer the option of accessing a sales area 160, when the customer wants to buy a car.

According to the Examiner, "it would be inherent that a recall request would fall under recommended services." (Office Action, p. 4 (emphasis added).) At best, the recommended services of *Himes* relate to "specific maintenance schedules ..., including recommended vehicle maintenance schedules." ¶ [0018]. Maintenance schedules are periodic, recommended schedules for maintenance defined before a vehicle is put into use, while recalls are aperiodic, required and

¹ This amendment is fully supported by the specification as originally filed and does not constitute new matter (e.g., p. 19, ll. 21-23).

based on a safety concern or regulatory requirement typically defined after the vehicle is put into use. Recall requests are not inherent in light of recommended maintenance services.

This passage, as well as the rest of *Himes* do not teach or suggest "if the service inquiry ... is a recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model." To the contrary, the recommended services 209 shown on FIG. 2 are recommended maintenance (i.e., change oil and lube) or preventative inspection (i.e., 23-point inspection). FIG. 6 also does not disclose recall requests, as claimed. For at least these reasons, claim 1 is patentable over the *Himes* reference.

Furthermore, claim 1 requires "transmitting the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointment." *Himes* fails to teach or suggest this limitation. The Examiner cites to ¶ [0035] for an alleged teaching of this limitation. ¶ [0035] (emphasis added) is reproduced below:

[0035] In another embodiment of the present invention, depicted on FIG. 3, the customer uses the card 310 with the card reader 320 connected to a remote personal computer (PC) 330 located, for example, in the customer's home. The PC 330 is equipped with software programmed to perform the above functions, or a subset thereof, and the PC 330 is connected to the Internet 340, which allows the PC 330 to communicate with the ERA system 350, or any other DMS (Dealer Management System) 350 that may be used.

According to the Examiner in the Response To Arguments, "as shown in ¶ [0035], *Himes* discloses that the various functions are communicated (transmitted) between the PC and the ERA system or DMS that may be used. As a result, the above inputted information would then be transmitted to the ERA or DMS that may be used." (Office Action, p. 12.) "The above functions" do not include transmitting an appointment request to a vehicle service advisor. The Examiner's arguments fail to describe how this recited limitation of claim 1 is provided by *Himes*.

¶ [0035], FIG. 3, and/or "the above functions" do not provide "transmitting ... an appointment request ... to a vehicle service provider." Rather, the Background of *Himes* identifies

"the ability to schedule services ... by requesting the appointment through the Internet ... as a need." ¶ [0006]. ¶ [0006] is reproduced below in its entirety:

[0006] Another problem with conventional systems is the lack of integration with Internet-enabled technologies. As customers become increasingly comfortable with using the Internet to purchase goods and services, there is a growing need to be able to offer Internet-savvy customers with goods and services that have traditionally been offered in brick-and-mortar businesses. For example there is a need to provide a customer with the ability to schedule services for the customer's automobile by requesting the appointment through the Internet, rather than the traditional method of calling the dealership to make an appointment.

Himes identifies online scheduling services as "a need." The Examiner has not cited to *Himes* in support of this need being addressed because it is not addressed by *Himes*. *Himes* fails to teach or suggest "transmitting ... an appointment request ... to a vehicle service provider." For at least these reasons, claim 1 is patentable over the *Himes* reference.

For at least these reasons, Applicants submit that claim 1 is allowable over *Himes* and the other art of record. Claims 2, 6-8, and 10 also stand rejected under 35 U.S.C. § 102(e) as being unpatentable over *Himes*. Applicants respectfully traverse this rejection based at least in part upon their dependency from an allowable base claim, and further due to the additional features they recite. Separate and individual consideration is respectfully requested.

The *Himes* reference fails to teach or suggest independent claim 14 for many reasons. *Himes* does not teach or suggest "at least one server computer configured to ... transmit a plurality of open appointments, wherein each . . . is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider," as recited in claim 14, for at least the reasons set forth above with respect to claim 1. Moreover, *Himes* does not teach or suggest "if the service inquiry . . . is [a] recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model," as recited in claim 14, for at least the reasons set forth above with respect to claim 1. *Himes* does not teach or suggest "at least one server computer configured to ... transmit the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the

vehicle service appointments," as recited in claim 14, for at least the reasons set forth above with respect to claim 1. For at least these reasons, claim 14 is patentable over the *Himes* reference.

Claims 15 and 18 also stand rejected under 35 U.S.C. § 102(e) as being unpatentable over *Himes*. Applicants respectfully traverse this rejection based at least in part upon their dependency from an allowable base claim, and further due to the additional features they recite. Separate and individual consideration is respectfully requested.

***Rejection Of Claim 9 Under 35 U.S.C. § 103(a)
As Being Unpatentable Over Himes In View Of Jim Mateja
(Monroney Label A Window Of Opportunity For Sellers)***

Claim 9 stands rejected under 31 U.S.C. § 103(a) as being unpatentable over *Himes* in view of *Mateja*. Applicants respectfully traverse this rejection as based in part upon its dependency from an allowable base claim, and further due to the additional features it recites. Separate and individual consideration is respectfully requested. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Himes* in view of *Mateja*.

***Rejection of Claims 11-13 Under 35 U.S.C. § 103(a)
as Being Unpatentable over Himes***

Claims 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Himes*. The *Himes* reference fails to teach or suggest independent claim 11 for many reasons. *Himes* does not teach or suggest "transmitting a plurality of open appointments, wherein each . . . is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider," as recited in claim 11, for at least the reasons set forth above with respect to claim 1. Moreover, *Himes* does not teach or suggest "if the service inquiry . . . is [a] recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model," as recited in claim 11, for at least the reasons set forth above with respect to claim 1. *Himes* does not teach or suggest "transmitting the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointments," as recited in claim 11, for at least the reasons set forth above

with respect to claim 1. For at least these reasons, claim 11 is patentable over the *Himes* reference.

Moreover, the knowledge of one skilled in the art does not overcome these deficient teachings. The Examiner has not provided evidence to the contrary. For at least these reasons, claim 11 is patentable over the proposed combination.

Claim 12 recites “receiving vehicle status information from [a] vehicle service provider.” Claim 12 further recites “the vehicle status information includes a service status of work in progress.” The *Himes* reference fails to teach or suggest these limitations. According to the Examiner, ¶ [0023], which is reproduced below, teaches this limitation:

[0023] A wide variety of screen displays may be used. FIG. 5 shows one screen display for one embodiment. The screen display can be presented when a user wants to review the history of the user’s visits to the dealer, and certain aspects of the user’s current status. This screen can be used in conjunction with other screens in a single session, or exclusively in a session for data review only. FIG. 6 shows a block diagram of FIG. 5.

At best, FIG. 5 discloses LOYALTY CARD BALANCE, TOTAL AMOUNT SAVED, TRADE IN ACCRUAL, SAVED THIS VISIT, Coupons Used and Maintenance Performed as user status information. This “user status” information does not pertain to “a service status of work in progress,” as recited in claim 12. For at least this reason, claim 12 is patentable over the *Himes* reference.

Moreover, the knowledge of one skilled in the art does not overcome these deficient teachings. The Examiner has not provided evidence to the contrary. For at least these reasons, claim 12 is patentable over the proposed combination.

Claim 13 recites “transmitting to the customer vehicle status information.” The *Himes* reference fails to teach or suggest this limitation. The claimed “vehicle status information” includes “a service status of work in progress,” which is not taught or suggested by the *Himes* reference. The Examiner asserts as follows on page 8 of the Office Action:

However, *Himes* does not explicitly disclose providing the status information of work in progress. However, it is old and well known in the art for customers to input information into an online service provider to know the status of their service. ... It is old and well known for customers to call a mechanic in order to know that status of the vehicle by providing their name or the vehicle type.

Applicants traverse the Examiner's alleged official notice of "old and well known" knowledge in accordance with MPEP 2144.03(c), and reiterate the Examiner's burden to produce authority supporting these statements in compliance with the substantial evidence test. Since the Examiner has not provided adequate documentary evidence, Applicants respectfully request the reversal of the rejection with respect to claim 13.

Furthermore, the proposed combination does not render claim 13 obvious. The proposed combination does not teach or suggest "transmitting to the customer vehicle status information." For at least these reasons, claim 13 is patentable over the proposed combination.

***Rejection Of Claims 3-5, 16, 17, 19, And 20 Under 35 U.S.C. § 103(a)
As Being Unpatentable Over Himes In View Of Singer (U.S. Pat. 6,304,848)
And Blasingame et al. (U.S. App. Pub. 2002/0022975)***

Claims 3-5, 16, 17, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Himes* in view of *Singer* and *Blasingame*.

Claim 3 depends from claim 1. Claim 3 recites "determin[ing] an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer." The Examiner admits that this limitation is not taught or suggested by *Himes*. However, according to the Examiner, *Blasingame et al.* discloses a method of scheduling patients with the use of a pre-visit patient summary, which comprises medical "key" questions regarding the patient's condition. The Examiner cites to ¶ [0010] of *Blasingame et al.* in support of his position:

[0010] In some embodiments the method further comprises electronically generating pre-visit information that includes a pre-visit patient summary responsive to the interview including information relating to the patient's condition, and then transmitting the pre-visit patient summary to the patient. Furthermore, in some embodiments the transmitted pre-visit patient summary further comprises medical "key" questions relating to the patient's condition(s), and the pre-visit physician report transmitted to the physician includes the key questions and a rationale for each of the questions. The key questions are a set of simple, guiding questions (for example 3-5 questions) for the patient to ask the physician at the upcoming visit. These questions are designed to focus the office visit. A typical key question is simple and short, and covers informational items that the physician would usually want to cover during the office visit. The patient should feel comfortable asking the physician these questions. These key questions give the patient some direction for the visit and help the physician by keeping the visit focused. Thus, the patient receives condition-specific educational resources prior to the scheduled appointment, and can arrive at the appointment better prepared for the office visit with the physician.

The Examiner further opines that *Singer* defines that the use of symptom probing questions is old and well known. According to the Examiner, *Singer* discloses a key term recognizing means for matching medical terms used by at least one medical personnel with patient conditions. The Examiner cites to Col. 3, ll. 7-21 in support of his rejection, which is reproduced below:

The apparatus also preferably includes medical term matching means, e.g., preferably provided by a medical term matcher, responsive to the key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. The medical term matching means preferably includes a knowledge database relating patient conditions with patient treatments of the conditions so that the knowledge base assists in further describing at least the actual condition and/or treatment of the patient by adding additional data, e.g., a more complete description, to a medical form which is or will be created. The apparatus can further include medical record creating means, e.g., preferably provided by a medical record creator, responsive to the medical term matching means for creating an actual patient medical record therefrom.

Id. (emphasis added).

The Examiner opines that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify *Himes* in view of the teachings of *Blasingame et al.* and *Singer* to include symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs. (Office Action, p. 10.)

Neither *Blasingame et al.* nor *Singer* teach or suggest the step of "determining an at least two symptom probing questions based on the vehicle symptom string." At best, *Blasingame et al.* discloses a medical information system in which a pre-visit interview is conducted with a patient before an office visit. The information obtained during this pre-visit interview is used to generate "key questions" for the patient to ask the physician during the office visit. The "key questions" and answers are given to the physician prior to the office visit. The questions and answers are scripted "in an effort to focus the visit." Fig. 17A. Moreover, "the questions are quite general, and may not be as important once you [(i.e., the physician)] make[s] a diagnosis." *Id.* The "key questions" generated by the pre-visit interview are not used to "obtain[] at least two symptom probing answers from the customer," as recited in claim 3. Rather, the "key questions" have already been answered by the medical information system. The answers are provided to the physician before the office visit. For at least this reason, *Blasingame et al.* does not teach or suggest claim 3.

Singer does not cure the defective teachings of *Blasingame et al.* At best, *Singer* discloses a key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. (Col. 3, ll. 8-12.) In *Singer*, the medical personnel provides "freely dictated" information that is searched by key medical terms. This information is not provided by patients, i.e., the customers of the medical profession. Claim 3 requires that the at least two symptom probing questions are used to obtain at least two symptom probing answers from the customer. This limitation is not taught or suggested by *Singer*. For at least the reasons set forth above, claim 3 (and claims 4 and 5 which depend therefrom) is patentable over the proposed combination of the *Himes*, *Singer* and *Blasingame et al.* references.

Claims 16 and 17 stand rejected over the proposed combination of *Himes*, *Singer* and *Blasingame et al.* Applicants respectfully traverse this rejection based at least in part upon their dependency from an allowable base claim, and further due to the additional features they recite. Separate and individual consideration is respectfully requested.

Claim 19 depends from claim 14. Claim 19 recites "determin[ing] an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer." The Examiner admits that this limitation is not taught or suggested by *Himes*. However, according to the Examiner, *Blasingame et al.* discloses a method of scheduling patients with the use of a pre-visit patient summary, which comprises medical "key" questions regarding the patient's condition. The Examiner cites to ¶ [0010] of *Blasingame et al.* in support of his position:

[0010] In some embodiments the method further comprises electronically generating pre-visit information that includes a pre-visit patient summary responsive to the interview including information relating to the patient's condition, and then transmitting the pre-visit patient summary to the patient. Furthermore, in some embodiments the transmitted pre-visit patient summary further comprises medical "key" questions relating to the patient's condition(s), and the pre-visit physician report transmitted to the physician includes the key questions and a rationale for each of the questions. The key questions are a set of simple, guiding questions (for example 3-5 questions) for the patient to ask the physician at the upcoming visit. These questions are designed to focus the office visit. A typical key question is simple and short, and covers informational items that the physician would usually want to cover during the office visit. The patient should feel comfortable asking the physician these questions. These key questions give the patient some direction for the visit and help the physician by keeping the visit focused. Thus, the patient receives condition-specific educational resources prior to the scheduled appointment, and can arrive at the appointment better prepared for the office visit with the physician.

The Examiner further opines that *Singer* defines that the use of symptom probing questions is old and well known. According to the Examiner, *Singer* discloses a key term recognizing means for matching medical terms used by at least one medical personnel with patient

conditions. The Examiner cites to Col. 3, ll. 7-21 in support of his rejection, which is reproduced below:

The apparatus also preferably includes medical term matching means, e.g., preferably provided by a medical term matcher, responsive to the key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. The medical term matching means preferably includes a knowledge database relating patient conditions with patient treatments of the conditions so that the knowledge base assists in further describing at least the actual condition and/or treatment of the patient by adding additional data, e.g., a more complete description, to a medical form which is or will be created. The apparatus can further include medical record creating means, e.g., preferably provided by a medical record creator, responsive to the medical term matching means for creating an actual patient medical record therefrom.

Id. (emphasis added).

The Examiner opines that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify *Himes* in view of the teachings of *Blasingame et al.* and *Singer* to include symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs. (Office Action, p. 12.)

Neither *Blasingame et al.* nor *Singer* teach or suggest the step of "determining an at least two symptom probing questions based on the vehicle symptom string." At best, *Blasingame et al.* discloses a medical information system in which a pre-visit interview is conducted with a patient before an office visit. The information obtained during this pre-visit interview is used to generate "key questions" for the patient to ask the physician during the office visit. The "key questions" and answers are given to the physician prior to the office visit. The questions and answers are scripted "in an effort to focus the visit." Fig. 17A. Moreover, "the questions are quite general, and may not be as important once you [(i.e., the physician)] make[s] a diagnosis." *Id.* The "key questions" generated by the pre-visit interview are not used to "obtain[] at least two symptom probing answers from the customer," as recited in claim 19.

Rather, the "key questions" have already been answered by the medical information system. The answers are provided to the physician before the office visit. For at least this reason, *Blasingame et al.* does not teach or suggest claim 19.

Singer does not cure the defective teachings of *Blasingame et al.* At best, *Singer* discloses a key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. (Col. 3, ll. 8-12.) In *Singer*, the medical personnel provides "freely dictated" information that is searched by key medical terms. This information is not provided by patients, i.e., the customers of the medical profession. Claim 19 requires that the at least two symptom probing questions are used to obtain at least two symptom probing answers from the customer. This limitation is not taught or suggested by *Singer*. For at least the reasons set forth above, claim 19 (and claim 20 which depends therefrom) is patentable over the proposed combination of the *Himes*, *Singer* and *Blasingame et al.* references.

Applicants do not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, Applicants may not have addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by Applicants to any of the Examiner's positions does not constitute a concession to the Examiner's positions. The fact that Applicants' comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. Applicants submit that all of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

CONCLUSION

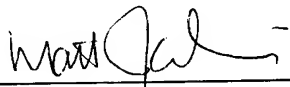
Applicants believe that the foregoing remarks are fully responsive to the Office Action of March 20, 2008. Consequently, in view of the above amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, which allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fee deficiency associated with the filing of this Paper to the Deposit Account of Applicants' assignee, Ford Global Technologies LLC, Deposit Account No. 06-1510.

If the Examiner believes that a telephone conference would advance the prosecution of this application in any manner, the Examiner is invited to contact the undersigned, at the number provided below.

Respectfully submitted,

DAVID JOHN FORD ET AL.

By 
Matthew M. Jakubowski
Reg. No. 44,801
Attorney for Applicants

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351